

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]
Oakland

Hearing

Case

Reg No: 2011-29623
Issue No: 2006
No: [REDACTED]
Date:
June 15, 2011
County DHS-02

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in person hearing was held on June 15, 2011. The Claimant and the Claimant's Representative IMN through [REDACTED] appeared and testified at the hearing. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's Medical Assistance application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for MA benefits with retroactive coverage in April 2010.
- (2) Medical Appointment Confirmation Notice was sent to Claimant, at two different addresses and to Claimant's Representative on January 11, 2011 with a January 18, 2011 appointment notice.
- (3) The Department denied the Claimant's MA on January 27, 2011 because he failed to appear for a scheduled medical appointment.

- (4) Claimant's Representative did not receive the appointment notice until February 11, 2011 after the closure had been processed.
- (5) Claimant testified that he was not aware of the appointment prior to the closure and did not receive actual notice.
- (6) Claimant requested a hearing on April 12, 2011 contesting the denial of MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM). The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant's representative provided adequate proof that she did not receive the appointment notice until February 11, 2011 after the closure. It appears that the Department did not have a good address for the Claimant's Representative. It should also be noted that there were only 7 days between the appointment notice and the appointment and one of those days was Martin Luther King Day, a federal holiday with no mail service. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate. Therefore the Department was incorrect to deny Claimant's application for failing to appear for the scheduled appointment. BAM 130

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to deny Claimant's MA case for failing to appear for a medical appointment is REVERSED. Claimant's MA application shall be reinstated and reprocessed going back to the date of application.



Aaron
Administrative
for
Department

McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: June 22, 2011

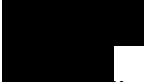
Date Mailed: June 22, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/ctl

cc: 
Oakland County DHS (02)/1843

A.  McClintic
Administrative Hearings